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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

MARIO BARRAILLIER,

Defendant and Appellant.

H046360

(Monterey County

Super. Ct. No. 17CR002788)

Defendant Mario Barraillier, a prisoner at Salinas Valley State Prison, pleaded no contest to custodial possession of a weapon and admitted a prior strike conviction. The trial court imposed a total term of six years.

Appointed counsel filed an opening brief stating the case and the facts but raising no specific issues on appeal. We have reviewed the entire record under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). (See also *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*).) We conclude there is no arguable issue on appeal. We will affirm the judgment.

I. FACTUAL AND PROCEDURAL BACKGROUND

At the time of the offense, Barraillier was serving a term of 25 years to life at Salinas Valley State Prison. According to the facts stated on his plea form, he was in possession of a “sharp instrument/dirk or dagger” while in custody.

The prosecution charged Barraillier with custodial possession of a weapon. (Pen. Code, § 4502, subd. (a).)¹ The complaint further alleged he personally used a dangerous

¹ Subsequent undesignated statutory references are to the Penal Code.

or deadly weapon in the commission of the offense (§§ 667, 969f, subd. (a), 1192.7), and that he had suffered four prior serious and/or violent convictions under section 1170.12, subdivision (c)(2).

Under a plea agreement, Barraillier pleaded no contest to custodial possession of a weapon and admitted a prior strike conviction. The trial court struck the remaining prior strike convictions under *People v. Superior Court (Romero)* (1966) 13 Cal.4th 497. The court imposed a total term of six years in state prison, equal to the midterm of three years doubled for the strike prior. The court imposed the term consecutive to the life term Barraillier was already serving. Barraillier timely appealed but did not seek a certificate of probable cause.

We appointed counsel to represent Barraillier in this court. Appointed counsel filed an opening brief stating the case and the facts but raising no specific issues on appeal. We notified Barraillier of his right to submit written argument on his own behalf within 30 days, and he timely responded with a written letter asserting his innocence.

II. DISCUSSION

We reviewed the entire record, as well as the claims raised in Barraillier's letter brief, under *Wende, supra*, 25 Cal.3d 436, and *Kelly, supra*, 40 Cal.4th 106. The record shows Barraillier was adequately advised of his rights and the consequences of his plea. It also demonstrates he freely, knowingly, and intelligently waived his rights and entered his plea. He sought no certificate of probable cause, and the record contains no indication of ineffective assistance of counsel. Finally, no sentencing error appears.

In his letter brief, Barraillier asserts the charge was based on "tainted evidence" and "bad blood" between himself and prison officials. Although his letter contains numerous other allegations of unfairness and official misconduct, he essentially contends he is innocent of the charged offense. No such claim is cognizable in this court, as Barraillier entered a plea of no contest and failed to obtain a certificate of probable cause. (§ 1237.5; Cal. Rules of Court, rule 8.304(b).)

We conclude there is no arguable issue on appeal. Accordingly, we will affirm the judgment.

III. DISPOSITION

The judgment is affirmed.

Greenwood, P.J.

WE CONCUR:

Bamattre-Manoukian, J.

Danner, J.

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